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HOUSE BILL 71
47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005
INTRODUCED BY
Jeannette O. Wallace

FOR THE CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE

AN ACT
RELATING TO TRAFFIC SAFETY; REQUIRING MOTORISTS TO MOVE OVER
WHEN APPROACHING STATIONARY EMERGENCY VEHICLES; PROVIDING A
PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-7-332 NMSA 1978 (being Laws 1978, Chapter 35, Section 436, as amended) is amended to read:

"66-7-332. OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES. --

A. Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle when operated as an authorized emergency vehicle and when the driver is giving audible signal by siren, exhaust

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1 whistle or bell, the driver of every other vehicle shall yield
2 the right of way and shall immediately drive to a position
3 parallel to, and as close as possible to, the right-hand edge
4 or curb of the roadway clear of any intersection and shall stop
5 and remain in that position until the authorized emergency
6 vehicle has passed except when otherwise directed by a police
7 officer.

8 B. Upon approaching a stationary authorized
9 emergency vehicle displaying flashing emergency lights, unless
10 otherwise directed, the driver of a vehicle shall:

11 (1) if reasonably safe to do so, drive in a
12 lane not adjacent to where the authorized emergency vehicle is
13 stopped, decrease the speed of the vehicle to a speed that is
14 reasonable and prudent under the circumstances and proceed with
15 caution; or

16 (2) if it is not reasonably safe to drive in a
17 lane not adjacent to where the authorized emergency vehicle is
18 stopped, decrease the speed of the vehicle to a speed that is
19 reasonable and prudent under the circumstances, proceed with
20 caution and be prepared to stop.

21 [~~B.~~] C. This section shall not operate to relieve
22 the driver of an authorized emergency vehicle from the duty to
23 drive and park with due regard for the safety of all persons
24 using the highway. "

25 Section 2. Section 66-8-116 NMSA 1978 (being Laws 1978,
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1 Chapter 35, Section 524, as amended) is amended to read:

2 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS-- DEFINITION--
3 SCHEDULE OF ASSESSMENTS. --

4 A. As used in the Motor Vehicle Code, "penalty
5 assessment misdemeanor" means violation of any of the following
6 listed sections of the NMSA 1978 for which, except as provided
7 in Subsection D of this section, the listed penalty assessment
8 is established:

9 COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
		ASSESSMENT
11 Permitting unlicensed		
12 minor to drive	66-5-40	\$ 10.00
13 Failure to obey sign	66-7-104	10.00
14 Failure to obey signal	66-7-105	10.00
15 Speeding	66-7-301	
16 (1) up to and including		
17 ten miles an hour		
18 over the speed limit		15.00
19 (2) from eleven up to		
20 and including fifteen		
21 miles an hour		
22 over the speed limit		30.00
23 (3) from sixteen up to		
24 and including twenty		
25 miles an hour over the		

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1	speed limit		65.00
2	(4) from twenty-one up to		
3	and including twenty-five		
4	miles an hour		
5	over the speed limit		100.00
6	(5) from twenty-six up to		
7	and including thirty		
8	miles an hour over the		
9	speed limit		125.00
10	(6) from thirty-one up to		
11	and including thirty-five		
12	miles an hour over the		
13	speed limit		150.00
14	(7) more than thirty-five		
15	miles an hour over the		
16	speed limit		200.00
17	Unfastened safety belt	66- 7- 372	25.00
18	Child not in restraint device		
19	or seat belt	66- 7- 369	25.00
20	Minimum speed	66- 7- 305	10.00
21	Speeding	66- 7- 306	15.00
22	Improper starting	66- 7- 324	10.00
23	Improper backing	66- 7- 354	10.00
24	Improper lane	66- 7- 308	10.00
25	Improper lane	66- 7- 313	10.00

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1	Improper lane	66- 7- 316	10. 00
2	Improper lane	66- 7- 317	10. 00
3	Improper lane	66- 7- 319	10. 00
4	Improper passing	66- 7- 309 through 66- 7- 312	10. 00
5	Improper passing	66- 7- 315	10. 00
6	Controlled access		
7	violation	66- 7- 320	10. 00
8	Controlled access		
9	violation	66- 7- 321	10. 00
10	Improper turning	66- 7- 322	10. 00
11	Improper turning	66- 7- 323	10. 00
12	Improper turning	66- 7- 325	10. 00
13	Following too closely	66- 7- 318	10. 00
14	Failure to yield	66- 7- 328 through [66- 7- 332]	
15		<u>66- 7- 331</u>	10. 00
16	<u>Failure to yield</u>	<u>66- 7- 332</u>	<u>50. 00</u>
17	Failure to yield	66- 7- 332. 1	25. 00
18	Pedestrian violation	66- 7- 333	10. 00
19	Pedestrian violation	66- 7- 340	10. 00
20	Failure to stop	66- 7- 342 and 66- 7- 344	
21		through 66- 7- 346	10. 00
22	Railroad- highway grade		
23	crossing violation	66- 7- 341 and 66- 7- 343	10. 00
24	Passing school bus	66- 7- 347	100. 00
25	Failure to signal	66- 7- 325 through 66- 7- 327	10. 00

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1	Failure to secure load	66- 7- 407	100. 00
2	Operation without oversize-		
3	overweight permit	66- 7- 413	50. 00
4	Improper equipment	66- 3- 801	10. 00
5	Improper equipment	66- 3- 901	20. 00
6	Improper emergency		
7	signal	66- 3- 853 through 66- 3- 857	10. 00
8	Operation interference	66- 7- 357	5. 00
9	Littering	66- 7- 364	300. 00
10	Improper parking	66- 7- 349 through 66- 7- 352	
11		and 66- 7- 353	5. 00
12	Improper parking	66- 7- 352. 5	50. 00
13	Improper parking	66- 3- 852	5. 00
14	Failure to dim lights	66- 3- 831	10. 00
15	Riding in or towing		
16	occupied house trailer	66- 7- 366	5. 00
17	Improper opening of doors	66- 7- 367	5. 00
18	No slow-moving vehicle		
19	emblem or flashing		
20	amber light	66- 3- 887	5. 00
21	Open container - first		
22	violation	66- 8- 138	25. 00.

23 B. The term "penalty assessment misdemeanor" does not
24 include a violation that has caused or contributed to the cause
25 of an accident resulting in injury or death to a person.

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C. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor and probation imposed upon a suspended or deferred sentence shall not exceed ninety days.

D. The penalty assessment for speeding in violation of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978 is twice the penalty assessment established in Subsection A of this section for the equivalent miles per hour over the speed limit."